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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,634	11/29/2001	Benjamin V. Smith	20009.0025US01	1657

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EXAMINER

LE, KAREN L

ART UNIT PAPER NUMBER

2642

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/995,634

Applicant(s)

SMITH, BENJAMIN V.

Examiner

Karen L. Le

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to applicant's response filed on December 22, 2004. claims 31-38 are now pending in the present application. This action is made non-final.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masek (U.S. 5,272,749) in view of Riskin (U.S. 4,757,267)

Regarding claims 31, 33, and 36, Masek teaches a method for providing subscription code services in a geographical area (col. 3, lines 44-47), the method comprising: allocating a plurality of subscription codes (Col. 2, lines 32-40, ex. 511-CAR CITY) for the services; provisioning a trigger at each of at least one switch within the geographical area, wherein the trigger is adapted to detect calls initiated by callers using one of the subscription codes (Col. 3, lines 65-68 and col. 4, lines 1-4); querying a controller for call routing instructions when a call initiated by a caller using a subscription code is detected at a switch (Col. 4, lines 8-9); wherein the telephone number is substantially permanently assigned to the subscription code; and terminating the call using the telephone number (col. 3, lines 35-55). Masek does not teach determining an originating region from which the call was initiated; retrieving a

Art Unit: 2642

telephone number from a table containing associations of the subscription code to multiple telephone numbers corresponding to different originating regions based at least in part on the subscription code and the originating region determined for the call. However, Riskin teaches determining an originating region from which the call was initiated; retrieving a telephone number from a table containing associations of the subscription code to multiple telephone numbers corresponding to different originating regions based at least in part on the subscription code and the originating region determined for the call (Abstract, lines 1-10). Riskin teaches a comparison is performed between the telephone number of the potential customer and the data in the file to find 1-3 selected dealers nearby to the potential customer. The system then automatically dials the telephone number of the closest dealer thereby routing the potential customer directly to a nearby dealer who can provide the products to that customer. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Riskin's feature to Masek's system to retrieve a telephone number based at least in part on the subscription code and the originating region determined for the call.

Regarding claim 32, Masek further teaches wherein the originating region is determined based on one or more of an NPA-NXX designation, an originating point code, and a zip code associated with the caller (Col. 2, lines 1-6).

Regarding claims 34-35, Masek does not teach the condition is related to a time at which the call was initiated and day of week the call was initiated. However, Riskin teaches the condition is related to a time at which the call was initiated and day of week the call was

Art Unit: 2642

initiated. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Riskin's feature to Masek feature to provide better service.

Regarding claim 37-38, Masek does not teaches the presenting step involves a prerecorded announcement. The presenting and receiving steps are performed by one or both of a service node and the switch. However, prerecorded announcement , service node and switch are well know in telecommunication system.

#### **Response to Arguments**

5. Applicant's arguments with respect to claim 1-12 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

Hand-delivered responses should be brought to

Crystal Park II, Sixth Floor (Receptionist)

2121 Crystal Drive

Arlington, VA 22202


Art Unit: 2642

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 703-308-4998. The examiner can normally be reached on Monday - Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Karen Le  
KLL  
May. 16, 05

  
AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600